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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/002,919 | 11/15/2001 | Seung-Taek Hyon | 678-674(P9693) | 5088 |

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| EXAMINER | |
|---|---|
| NGUYEN, KHAI MINH | |
| **ART UNIT** | **PAPER NUMBER** |
| 2687 | |

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/002,919 | HYON, SEUNG-TAEK | |
| | Examiner | Art Unit | |
| | Khai M. Nguyen | 2687 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *25 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. This Office Action is response to Amendment filed on 3/25/2005.

Claims 1-21 are pending.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skelly (U.S.Pat-6064383) in view of Evans et al. (U.S.Pub-20040002325).

Regarding claim 1, Skelly teaches an emoticon input method in a mobile terminal (fig.2, col.2, lines 35-45), comprising the steps of:

entering an emoticon input mode (col.1, lines 43-65);

displaying the stored emoticons in an emoticon input mode (fig.2, 3a, abstract, col.4, lines 27-48);

selecting an emoticon (col.1, lines 43-58, col.2, lines 35-45); and

Skelly fails to specifically discloses storing a plurality of emoticons in the mobile terminal, and storing as part of a short message the emoticon selected by a user. However, Evans teaches storing a plurality of emoticons in the mobile terminal of a short message the emoticon (fig.1, element 26, paragraph 0049, 0130), and storing as part selected by a user (fig.1, element 26, paragraph 0026, 0049, 0130). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use storing a plurality of emoticons in the mobile terminal, and storing as part of a short message the emoticon selected by a user as taught by Evans with Skelly teaching in order to provide further graphical content to SMS.

Regarding claim 2, Skelly and Evans further teaches the emoticon input method of claim 1, wherein the emoticons are stored in the form of a bit map (col.1, lines 43-58, see Evans, paragraph 0029).

Regarding claim 3, Skelly and Evans further teaches the emoticon input method of claim 1, wherein the emoticons are formed by utilizing a plurality of typical characters and special characters in combination (col.1, lines 43-58).

Regarding claim 4, Skelly and Evans further teaches the emoticon input method of claim 1, further comprising the step of transmitting an SMS (Short Message Service) message including the stored emoticon (fig.1, element 26, paragraph 0026, 0049, 0130).

Regarding claim 5, Skelly and Evans further teaches the emoticon input method of claim 1, wherein the emoticons are stored by a manufacturer in the process of manufacturing (paragraph 0148).

Regarding claim 6, Skelly and Evans further teaches the emoticon input method of claim 1, wherein the emoticons are created and stored by the user (paragraph 0150).

Regarding claim 7, Skelly and Evans further teaches the emoticon input method of claim 1, wherein the emoticons are received from a base station and stored in the mobile terminal (paragraph 0148-0150).

Regarding claim 8, Skelly and Evans further teaches the emoticon input method of claim 1, wherein the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal (paragraph 0148-0150).

Regarding claim 9, Skelly and Evans further teaches the emoticon input method of claim 1, further comprising the step of changing and editing the emoticons by the user (paragraph 0157-0159).

Regarding claim 10, Skelly teaches an emoticon input method in a mobile terminal (fig.2, col.2, lines 35-45), comprising the steps of:

grouping a plurality of emoticons formed by utilizing a plurality of typical characters and special characters in combination (col.1, lines 43-58)

entering an emoticon input mode (col.1, lines 43-65);

displaying the stored emoticon groups (fig.2, 3a, abstract, col.4, lines 27-48);

selecting an emoticon group (col.1, lines 43-58, col.2, lines 35-45);

displaying the emoticons of the emoticon group selected by a user (fig.2, 3a, abstract, col.4, lines 27-48) ; and

Skelly fails to specifically discloses storing the emoticons by groups in the mobile terminal, and storing an emoticon as part of a short message selected by the user.

However, Evans teaches storing the emoticons by groups in the mobile terminal (fig.1, element 26, paragraph 0026, 0049, 0130), and storing an emoticon as part of a short message selected by the user (fig.1, element 26, paragraph 0026, 0049, 0130). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use storing a plurality of emoticons in the mobile terminal, and storing as part of a short message the emoticon selected by a user as taught by Evans with Skelly teaching in order to provide further graphical content to SMS.

Regarding claim 11, Skelly and Evans further teaches the emoticon input method of claim 10, wherein the emoticons are stored by a manufacturer in the process of manufacturing ().

Regarding claim 12, Skelly and Evans further teaches the emoticon input method of claim 10, wherein the emoticons are created and stored directly by the user (paragraph 0150).

Regarding claim 13, Skelly and Evans further teaches the emoticon input method of any of claim 10, wherein the emoticons are received from a base station and stored in the mobile terminal (paragraph 0148-0150).

Regarding claim 14, Skelly and Evans further teaches the emoticon input method of claim 10, wherein the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal (paragraph 0148-0150).

Regarding claim 15, Skelly and Evans further teaches the emoticon input method of claim 10, further comprising the step of changing and editing the emoticons by the user (paragraph 0157-0159).

Regarding claim 16, Skelly teaches an emoticon input method in a mobile terminal (fig.2, col.2, lines 35-45), comprising the steps of:

forming emoticons by utilizing a plurality of typical characters (col.1, lines 43-58, col.2, lines 35-45);

selecting at least one emoticon from the plurality of emoticons (col.1, lines 43-58, col.2, lines 35-45); and

Skelly fails to specifically discloses storing a plurality of the emoticons, and transmitting an SMS message including the at least one emoticon selected by a user. However, Evans storing a plurality of the emoticons, and transmitting an SMS message including the at least one emoticon selected by a user (fig.1, element 26, paragraph 0026, 0049, 0130). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use storing a plurality of emoticons in the

mobile terminal, and storing as part of a short message the emoticon selected by a user as taught by Evans with Skelly teaching in order to provide further graphical content to SMS.

Regarding claim 17, Skelly and Evans further teaches the emoticon input method of claim 16, wherein the emoticons are formed and stored by a manufacturer in the process of manufacturing (paragraph 0148).

Regarding claim 18, Skelly and Evans further teaches the emoticon input method of claim 16, wherein the emoticons are formed and stored by the user (paragraph 0148-0150).

Regarding claim 19, Skelly and Evans further teaches the emoticon input method of claim 16, wherein the emoticons are received from a base station and stored in the mobile station (paragraph 0148-0150).

Regarding claim 20, Skelly and Evans further teaches the emoticon input method of claim 16, wherein the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal (paragraph 0148-0150).

Regarding claim 21, Skelly and Evans further teaches the emoticon input method of claim 16, further comprising the step of changing and editing the emoticons by the user (paragraph 0157-0159).

## *Citation of Pertinent Prior Art*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Longe et al.** (U.S.Pub-20040070567) discloses Directional input system with automatic correction.

**Cruickshank** (U.S.Pub-20030158734) discloses Text to speech conversion using word concatenation.

**Kiraly et al.** (U.S.Pat-6324511) discloses Method of and apparatus multimodal information presentation to computer users with dyslexia, reading disabilities or visual impairment.

## *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
Au: 2687

7/6/2005

7/11/05
LESTER G. KINCAID
PRIMARY EXAMINER